

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70575 of 2021

Arising Out of PS. Case No.-71 Year-2021 Thana- DAGARUA District- Purnia

1. Md. Tahir Hussain, Son of Late Abdul Khalil @ Sheikh Khalil, Resident of Village - Naya Tola Nikhrail, Police Station - Dagarwa, District - Purnea.
2. Md. Kamaluddin, Son of Late Abdul Khalil @ Sheikh Khalil, Resident of Village - Naya Tola Nikhrail, Police Station - Dagarwa, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amardeep, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 06-06-2022 Heard the learned counsel for the petitioners and the learned APP for the State.

Learned counsel for the petitioners are permitted to remove the defect/(s), as pointed out by the office, if any, within a period of four weeks from today.

This is an application for grant of anticipatory bail in connection with Dagarua P.S. Case No. 71 of 2021, G.R. No. 942 of 2021 registered for the offences punishable under Sections 147, 149, 341, 323, 307, 354, 379, 448, 427, 504, 506 of the Indian Penal Code.

The allegation against the petitioners is that they along with co-accused persons entered into the house of



informant and involved in threatening, assaulting, outraging the modesty of informant and her daughter and taking away money, paddy and rice.

Learned counsel for the petitioners submits that petitioners have committed no offence and the main allegation is against co-accused Md. Alauddin of giving iron rod blow on the head of the husband of the informant who is not the petitioner in this petition. There is case and counter case between the parties and there is long standing land dispute between the parties due to which informant had filed cases against the petitioners earlier also. He further submits that the occurrence took place on 26.02.2021 however, the FIR has been lodged against the entire family members of petitioners with inordinate delay on 09.03.2021 without plausible reason. Petitioner no. 1 is a Panchayat Teacher and petitioner no. 2 is ex-mukhiya. No case is made out against petitioners under Sections 379, 354 and 307 of the IPC.

Learned APP for the State has opposed the bail application of the petitioners.

Considering the aforesaid submissions made by the learned counsel for the parties, let the petitioners, abovenamed, in the event of their arrest or surrender before the court below



within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate- 1st Class, Purnea in connection with Dagarua P.S. Case No. 71 of 2021, G.R. No. 942 of 2021, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Sunil Dutta Mishra, J)

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